IN THE

Supreme Court of the United States

October Term, 1976

No. 76- **76-296**

BILLY JOE ADCOX
Petitioner

VERSUS

CADDO PARISH SCHOOL BOARD
Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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August 27th, 1976

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IN THE

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BILLY JOE ADCOX
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CADDO PARISH SCHOOL BOARD
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PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

The petitioner, Billy Joe Adcox, respectfully prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Fifth Circuit entered in this proceeding on April 13, 1976.

OPINIONS BELOW

No opinion was issued by the Court of Appeals; it merely affirmed. As such, a copy thereof appears in the Appendix hereto [A-1]. The ruling of the District Court for the Western District of Louisiana, not yet reported, appears in the Appendix hereto [A-2].

JURISDICTION

The judgment of the Court of Appeals for the Fifth Circuit was entered on April 13, 1976. A timely petition for rehearing *en banc* was denied on June 1, 1976, and this petition for certiorari was filed within ninety days of that date. This Court's jurisdiction is invoked under 28 U.S.C. §1254 (1).

QUESTIONS PRESENTED

(1) Are racial quotas for employee promotions constitutionally and statutorially permissible? Or put another way, once hirings occur, may promotions thereafter be based upon race instead of merit?

(2) May a white person be removed from an employment position merely to make the same available to a less qualified black person?

STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment XIV, Section 1

> Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

United States Code, Title 42:

§ 1981. *Equal rights under the law*

> All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

§ 1983. *Civil action for deprivation of rights*

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

§ 2000d. *Prohibition against exclusion from participation in, denial of benefits of, and discrimination under Federally assisted programs on ground of race, color, or national origin*

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 2000e-2(a). *Unlawful employment practices—Employer practices*

(a) It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

STATEMENT OF THE CASE

Petitioner, Billy Joe Adcox, is a domiciliary of Shreveport, Caddo Parish, Louisiana. Respondent, Caddo Parish School Board, is a state agency, charged with the responsibility of operating a school system within the Parish at the kindergarten, elementary and high school levels. Among other responsibilities, it is vested with the authority to both hire and promote teachers, including coaches. At its regularly scheduled meeting, as held on March 20, 1974, Respondent, by motion, duly made, seconded and unanimously carried, promoted Petitioner from his then position of assistant coach to one of head coach. Following directions officially made, Petitioner assumed and performed the duties of head coach at the assigned school. His salary was, accordingly, increased and paid. On March 29, 1974, at a special session, this promotion

of Petitioner was rescinded and voided, for no other reason than that he was white and not black.[1] Petitioner filed a complaint with the Federal Court for the Western District of Louisiana, on April 19, 1974, alleging that the actions of Respondent violated his constitutional and civil rights for the following non-exclusive reasons:

"(a) The establishment of a racial quota in the hiring and promotion of teachers in the Caddo Parish public schools violates the Equal Protection Clause of the Fourteenth Amendment to the Federal Constitution.

"(b) The establishment of a racial quota in the hiring and promotion of teachers in the Caddo Parish public schools violates the Civil Rights Act, 42 U.S.C.A. §2000(d) by discriminating against whites and non-blacks.

"(c) By not affording complainant an opportunity to be heard as to why his appointment should not be rescinded, Billy Joe Adcox's due process rights under the Fourteenth Amendment to the Federal Constitution were violated.

"(d) The actions of the Caddo Parish School Board violate the Equal Employment Opportunities Act, 42 U.S.C.A. §2000(e) et seq., by discriminating against whites and non-blacks, in the promotion, hiring and discharge of teachers."

---

1. The local bi-racial committee had lodged a complaint with the school board about Petitioner's appointment. The entire minutes of this meeting are set forth in the Appendix, A-3.

He also sought injunctive relief for the purpose of holding the matter in abeyance until a hearing could be held. When no action was taken on his temporary restraining order, he sought and obtained a similar order in the state court on the 30th day of April, 1974. This was promptly set aside by the Federal Court and on the 24th day of May, 1974, the position of head coach was filled by the appointment of another person. This person was black. Five days later, Respondent moved for a summary judgment, which was granted. [Appendix, A-2] On Appeal the matter was affirmed. [Appendix, A-1] As reflected by affidavits and cross-affidavits and the testimony taken, it is not disputed that:

(a) Petitioner was the best qualified of all of the applicants for the position to which he was promoted;

(b) Petitioner was removed from this position solely because he was white and not black; and

(c) After the position was taken away from Petitioner, it was given to a less qualified person solely because he was black so as to satisfy a judicially imposed racial quota.

REASONS FOR GRANTING THE WRIT

1. THE DECISION BELOW CONFLICTS WITH THIS COURT'S DECISIONS CONCERNING THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT TO THE CONSTITUTION AND THE CIVIL RIGHTS ACTS.

The lower court in granting Respondent's **Motion for Summary Judgment** ruled, "Defendant's Motion is grounded on the fact that absolutely no discrimination was involved

in the treatment of Plaintiff. We agree," [Appendix, A-2]. Yet it is clear that Petitioner, a white, was demoted and removed from his job as head coach at Southwood High School, not because he was incompetent, nor because he wilfully neglected his duty, nor even because he was not qualified [he was, in fact, the most qualified for the position]; but rather solely to make way for the appointment of a black in his place.

The design, spirit, intent and purpose in the enactment of the Fourteenth Amendment to the United States Constitution and the Civil Rights Acts of 1866 and 1964 were to guarantee that all persons, regardless of race, color, creed or place of national origin would be treated equally, and that no person would be disadvantaged as a result thereof.

That groups may have suffered discrimination in the past is no justification for present discrimination against an individual, for it is well settled that the right to equal protection granted by the Fourteenth Amendment is an individual and personal one, not a group right. For example, in *Shelley v. Kraemer*, 334 U.S. 1 (1948), this Court said:

> "The rights created by the first section of the Fourteenth Amendment are, by its terms, guaranteed to the individual. The rights established are personal rights. It is, therefore, no answer to these petitioners to say that the courts may also be induced to deny white persons rights of ownership and occupancy on ground of race or color. Equal protection of the laws is not achieved through indiscriminate imposition of inequalities."
>
> [At 22]

This Court in *Brown v. Board of Education*, 347 U.S. 483 (1954), under footnote 5 (P. 491), quotes with approval the

following from *Strauder v. West Virginia*, 100 U.S. 303:

> "It ordains that no State shall deprive any person of life, liberty or property without due process of law, or deny to any person within its jurisdiction the equal protection of the laws. What is this but declaring that the law in the States shall be same for the black and the white; that *all persons whether colored or white shall stand equal before the laws of the States*. ***"
>
> [Emphasis added]

This Court has repeatedly stated that the equal protection clause of the Fourteenth Amendment is applicable to all races alike. *McLaughlin v. Florida*, 379 U.S. 184 (1964), held that racial classification is "an invidious discrimination forbidden by the equal protection clause" because the guarantee of the "equal protection of the laws" cannot be squared with a system that deprives members of one race of their rights in order to provide "recompense" to members of another. In *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971), this Court said:

> "*** Congress did not intend by Title VII, however, to guarantee a job to every person regardless of qualifications. In short, the act does not command that any person be hired simply because he was formerly the subject of discrimination, or because he is a member of a minority group. *Discriminatory preference for any group, minority or majority, is precisely and only what Congress has proscribed.* What is required by Congress is the removal of artificial, arbitrary and many unnecessary barriers to employment when the barriers operate invidiously to discriminate on the basis of racial or other impermissible classifications."
>
> [Emphasis added]
>
> [At 430-431]

> "Congress has not commanded that the less qualified be preferred over the better qualified simply because of minority origins.
>
> "Far from disparaging job qualifications as such, Congress has made such qualifications the controlling factor, so that race, religion, nationality and sex become irrelevant."
>
> [At 436]

As Justice Douglas stated in his opinion in *De Funis, et al. v. Charles Odegaard*, 416 U.S. 312 (1974):

> "There is no constitutional right for any race to be preferred. *** There is no superior person by constitutional standards. A De Funis who is white is entitled to no advantage by reason of that fact; nor is he subject to any disability no matter his race or color. Whatever his race, he had a constitutional right to have his application considered on its individual merits in a racially neutral matter. ***"
>
> [At 336, 337]
>
> "*** The key to the problem is consideration of such applications *in a racially neutral way*."
>
> [Emphasis supplied in original opinion]
>
> [At 340]
>
> "*** The equal protection clause commands the elimination of racial barriers, not their creation in order to satisfy our theory as to how society ought to be organized. ***"
>
> [At 342]
>
> "*** If discrimination based on race is constitutionally permissible when those who hold the reins can come up with 'compelling' reasons to justify it, then constitutional guarantees acquire an accordianlike quality. *** All races can compete fairly at all professional levels. So far as race is concerned, any state spon-

sored preference to one race over another in that competition is in my view 'invidious' and violative of the equal protection clause. ***"

[At 343]

The decision below also conflicts with the latest holding by this Court relating to job discrimination based on race. In *McDonald, et al. v. Santa Fe Trail Transportation Company, et al.*, U.S. , 44 LW 5067 (1976), this Court unanimously held:

"II

"Title VII of the Civil Rights of 1964 prohibits the discharge of "any individual" because of 'such individual's race,' § 703 (a) (1), 42 U.S.C. § 2000e-2 (a) (1). Its terms are not limited to discrimination against members of any particular race. Thus, although we were not there confronted with racial discrimination against whites, we describe the act in *Griggs v. Duke Power Co.*, 401 U.S. 424, 431 (1961), as prohibiting '[d]iscriminatory preference for *any* [racial] group, *minority* or *majority*' (emphasis added). Similarly the EEOC, whose interpretations are entitled to great deference, *Griggs v. Duke Power Co.*, 401 U.S. at 433-434, has consistently interpreted Title VII to proscribe racial discrimination in private employment against whites on the same terms as racial discrimination against nonwhites, holding that to proceed otherwise would

" 'constitute a dereliction of the Congressional mandate to eliminate all practices which operate to disadvantage the employment opportunities of any group protected by Title VII, including Caucasians.' EEOC Decision No. 74-31, 7 FEP 1326,

1238, CCH EEOC Decisions ¶6404, p. 4084 (1973).

This conclusion is in accord with uncontradicted legislative history to the effect that Title VII was intended to 'cover all white men and white women and all Americans,' 110 Cong. Rec. 2579 (remarks of Rep. Celler) (1969), and create an 'obligation not to discriminate against whites,' *id.*, at 7218 (memorandum of Sen. Clark). See also *id.*, at 7213 (memorandum of Sens. Clark and Case); *id.*, at 8912 (remarks of Sen. Williams). We therefore hold today that Title VII prohibits racial discrimination against the white petitioners in this case upon the same standards as would be applicable were they Negroes and Jackson white."

[Footnotes omitted]

[At 5069]

2. THE DECISION BELOW ALSO CONFLICTS WITH THE DECISIONS OF OTHER COURTS OF APPEAL.

The constitutional and statutory permissibility of racial quotas for employment promotions in the public sector was one of the first impression in the Court below. It had previously pretermitted the question with the statement that, "[T]he problems inherent in quota relief assume different parameters in the promotion, rather than hiring, context." *NAACP v. Allen*, 493 F.2d 614, Footnote 12 at 622, (CA 5, 1974). The instant decision conflicts with those of two other circuits. In *Porcelli v. Titus*, 431 F.2d 1254 (CA 3, 1970), cert. den. 402 U.S. 944, the Court held that racial quotas per se may not be used for promotions and in *Bridgeport Guardians, Inc. v. Members of Bridgeport Civil Service Com.*, 482 F.2d 1333 (CA 2, 1973), later app., 497 F.2d 1113 (CA 2), cert. den. 421 U.S. 991, the Court reversed the lower court and prohibited the use

of racial quotas for promotions. In *Kirkland, et al. v. New York State Department of Correctional Services, et al.*, 520 F.2d 420 (CA 2, 1975), the Court said:

> "So long as civil service remains the constitutionally mandated route to public employment in the State of New York, no one should be 'bumped' from a preferred position on the eligibility list solely because of his race. Unless the Fourteenth Amendment is applicable only to Blacks, this is constitutionally forbidden reverse discrimination."
>
> [At 429]

And in *Chance v. Board of Examiners & Board of Education, etc.*, 534 F.2d 993 (CA 2, 1976), the Court said:

> "Moreover, the concern which we expressed in *Kirkland v. New York State Department of Correctional Services*, 520 F.2d 420 (2d Cir. 1975), about the 'bumping' effect of a quota 'upon a small number of readily identifiable' individuals finds equal cause for expression in the situation which now confronts us. We are advised that in some of the school districts employees will be excessed from groups containing as few as two or three persons. To require a senior, experienced white member of such a group to stand aside and forego the seniority benefits guaranteed him by the New York Education Law and his union contract, solely because a younger, less experienced member is Black or Puerto Rican is constitutionally forbidden reverse discrimination."
>
> [At 998]

In *Patterson v. American Tobacco Co.*, 535 F.2d 257 (CA 4, 1976), the Court held that whether the previous discrimination was race or sex motivated, the remedy is nevertheless the same—"bumping" is specifically prohibited under Title VII and the Fourteenth Amendment. See also *EEOC v. Local 638*, 532 F.2d 821 (CA 2, 1976).

The instant case departs from previous Fifth Circuit cases which relate to job discrimination in the private sector. In *United States v. Jacksonville Terminal Company*, 451 F.2d 418 (CA 5, 1971), the Court held:

> "*** Assuming *arguendo* for the moment that past or present racially discriminatory conduct has occurred, white employees need not suffer displacement, layoff, or furlough merely to satisfy some court-imposed quota or black/white ratio. ***"
>
> [At 437]

See also *Local 189, United Papermak. & Paperwork. v. United States*, 416 F.2d 980 (CA 5, 1969).

By ignoring Petitioner's qualifications and refusing to allow Petitioner to present a prima facie case, the court below departs from its own holding in the *Jacksonville* case, *ante;* conflicts with this Court's holding in *Griggs, ante;* conflicts with the Tenth Circuit's decisions of *Muller v. United States Steel Corporation*, 509 F.2d 923 (CA 10, 1975), and *Rich v. Martin Marietta Corporation*, 522 F.2d 333 (CA 10, 1975); and also conflicts with the Fourth Circuit's decision in *Jones v. Pitt County Board of Education*, 528 F.2d 414 (CA 4, 1975).

3. THE IMPORTANCE OF THE QUESTIONS PRESENTED.

The Petitioner was selected for a promotion in a racially neutral manner. There was no indication, innuendo or insinuation that his unanimous selection was racially motivated, or that he was selected for any reason other than that he was the most qualified individual for the position.

In stark contrast, it is transparently clear and patently obvious that the rescinding of Petitioner's appointment, his

demotion from head coach to assistant coach, the reduction of his salary and his transfer from Southwood High School (where he had assumed and was performing the duties of head coach) to Fair Park High School occurred for the sole reason that he was not black. [See Appendix, A-3.]

It is clear that the action of the Respondent was racially motivated and that Petitioner was subjected to racial discrimination. [See Appendix, A-3.]

Nothing contained in the Desegregation Plan [see Appendix, A-2] relates to objective job-related criteria. It instead focuses solely upon race. Petitioner submits that this lack of objective job-related criteria, and in lieu thereof, the substitution of race as the sole criteria for promotional purposes, is contrary to the spirit and intent of the law.

4. SIMILAR ISSUES AS HERE RAISED ARE PENDING BEFORE THIS COURT ON ANOTHER WRIT APPLICATION.

The issues raised in this case are not dissimilar from those posed by the question presented to this Court in the case of *Kirkland v. New York State Department of Correctional Services*, in a petition for certiorari under Number 75-1631. The similar question there presented is: "Did district court have power to award 'quota' relief or was court of appeals correct in reversing on grounds that it was prohibited by U.S. Constitution, New York State Constitution, and New York Civil Service Law?"

CONCLUSION

Although as a result of the action by the Fifth Circuit, this case may be without precedential value at this time, the issues here are important to Petitioner. They are also of compelling, overriding and paramount importance to the public as well, for the courts below are confronted with these unresolved perplexing problems concerning reverse discrimination in matters of race and sex on almost a daily basis.

The Constitution guaranteed Petitioner that no citizen or class of citizens regardless of race would have special privileges or immunities which on the same terms did not belong to him. The ruling below violates, conflicts with, and vitiates this fundamental guarantee.

For the foregoing reasons, this petition for a writ of certiorari should be granted.

Respectfully submitted,

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Shreveport, Louisiana 71101

Counsel for Petitioner

August 27th, 1976

APPENDIX

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

NO. 74-4153

BILLY JOE ADCOX,
Plaintiff-Appellant,

versus

CADDO PARISH SCHOOL BOARD, ET AL.,
Defendants-Appellees.

Appeal from the United States District Court for the
Western District of Louisiana

(April 13, 1976)

Before Gewin, Godbold and Simpson,
Circuit Judges.

PER CURIAM: AFFIRMED. See Local Rule 21.[1]

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1. See N.L.R.B. v. Amalgamated Clothing Workers of America, 1970, 430 F.2d 966.

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

CIVIL ACTION
NO. 74-405

BILLY JOE ADCOX
versus
CADDO PARISH SCHOOL BOARD, ET AL

FOR PLAINTIFF	MESSRS. ROBERT G. PUGH Pugh & Nelson 720 Commercial National Bank Bldg. Shreveport, Louisiana 71101
FOR DEFENDANTS	JOHN R. PLEASANT Booth, Lockard, Jack, Pleasant & LeSage P. O. Box 1092 Shreveport, Louisiana 71161
FOR PLAINTIFF-INTERVENOR	Donald E. Walter United States Attorney Robert H. Shemwell Assistant United States Attorney P. O. Box 33 Shreveport, Louisiana 71161

SCOTT, JUDGE:

RULING

Billy Joe Adcox brings this civil rights suit praying for reinstatement as Head Coach of Southwood High School, Shreveport, Caddo Parish, Louisiana, and for other equitable relief. Defendant, Caddo Parish School Board, has filed a Motion for Summary Judgment.

According to the affidavit of Dr. Earl A. McKenzie, Acting Superintendent of the Caddo Parish School Board and Secretary of the Caddo Parish School Board, there are ten high schools in Caddo Parish and a Head Coach is assigned to each one. Prior to March 20, 1974, there were five Head Coaches who were white and three who were black. Minutes of the Board reflect the appointment of two additional white Head Coaches on March 20, 1974, making a total of seven white Head Coaches and three blacks. On March 22, 1974, the Citizens Advisory Committee (Bi-Racial Committee) advised the Board that, in their opinion, the appointment contravened the desegregation Order of this Court, dated July 20, 1973.[1] On March 29, 1974, the School Board convened for a special meeting at which time the March 20th appointments of plaintiff Adcox and the other white coach were rescinded. On April 3, 1974 the Board met as regularly scheduled and held discussion on new appointments but no official action was taken. On May 24, 1974, the Board appointed two blacks to fill the Head Coach vacancies bringing the total to five white and five black.

Defendant's Motion is grounded on the fact that absolutely no discrimination was involved in the treatment of plaintiff. We agree. The appointment of the two black Head Coaches on May 24, 1974 was in furtherance of this Court's Order of July 20, 1973. It is clear and unequivocal, that had the Board done otherwise, it would have subjected itself to penalties for contempt of court. Accordingly, defendant's Motion for Summary Judgment is granted.

---

1. The pertinent parts of that Order provide "II. *General Provisions.* ****2. As a general goal, it is stipulated that a 50-50 ratio of black to white administrators, staff, and teachers shall be attained within three years. This ratio reflects the current ratio of black to white pupils in the system. This transition shall be carried out by utilizing the opportunities which occur as a result of normal attrition, and no personnel shall be discharged or transferred by reason of this provision.

* * *

IV. Plan for Desegregation of Staff. 'Staff' shall be defined to be all principals, assistant principals, teachers, teacher-aides and other staff working directly with children at any school, whether regular or special part-time. In carrying out the general provision regarding a 50-50 black to white ratio, each category of staff such as 'Principals', 'Assistant Principals', 'Head Coaches', 'Assistant Coaches', 'Teachers', 'Counselors', 'Band Directors', 'Choir Directors', 'Teacher-Aides', etc., shall be considered as subject to the provision. Additionally, a black to white ratio of the total of staff personnel in each school shall reflect a 50-50 black to white ratio. While it may be impracticable or even impossible to attain an exact 50-50 ratio in each of these categories at a particular school, in no case shall a racial percentage of total staff or of teachers at any school be greater than sixty percent (60%) nor less than forty percent (40%). It is anticipated that the general goal prescribed will be more difficult to reach in those staff categories with fewer members and, for this reason, special care should be taken that vacancies occuring in these categories be used to bring about a strongly positive progression toward the goal."

Defendant should submit a judgment for execution within ten (10) days.

THUS DONE AND SIGNED in Chambers, at Alexandria, Louisiana, on this 6th day of November, 1974.

S/Nauman S. Scott
UNITED STATES DISTRICT JUDGE

March 29, 1974

The Caddo Parish School Board met in special session in its offices at 1961 Midway Street, Shreveport, Louisiana, at 12 noon, Friday, March 29, 1974 with President King presiding and the following members present, being a quorum: Raymond T. Boswell, Mrs. Betty Bullock, Claude A. Dance, Jr., Henry V. Delony, Joseph D. Garner, Paul Hellinghausen, George P. Hendrix, Mrs. Peggy R. Lagersen, Johnny C. McFerren, J. Ray Pruitt, Percy A. Sharp, III, Mrs. Mary Abbie Shuey, Mrs. Corinne C. Taylor, Arthur G. Thompson, Jack P. Timmons, Mrs. Harriette H. Turner, and W. N. Wynn. Also present were Earl A. McKenzie, Secretary, and John R. Pleasant, Legal Counsel.

VISITORS

Mr. Alphonse Jackson addressed the board urging compliance of the court order that was accepted by the board.

Mr. Lonnie Sibley, on behalf of a group of parents from the Northwood area, presented a petition to the board requesting that the school board sustain Mr. Burton's appointment as head coach at Northwood High School.

Shell Stephenson and Archie Smith addressed the board in support of Mr. Burton as head coach at Northwood High School.

Mr. Jack Serpas, on behalf of a group of parents from the Southwood area, spoke to the board to request that Mr. Adcox be retained as head coach at Southwood High School.

Coaching Appointments. Mr. Hendrix stated that on March 20, 1974, the Caddo Parish School Board appointed two head coaches, Billy Joe Adcox and David Gerald Burton at Southwood and Northwood High Schools, respectively. He moved to void the appointments and that the superintendent submit the names of two blacks for head coaches at Southwood and Northwood by April 3, 1974. Seconded by Mrs. Taylor.

Mr. Timmons amended the motion to delete from the motion the voiding of the appointment of David Gerald Burton at Northwood and submit a proposal for Mr. Burton as head coach at Northwood and another person to be named by the superintendent to fill the other position. Seconded by Mrs. Lagersen. Mr. Delony called for point of order and the president ruled the motion out of order since Mr. Hendrix had previously voted negatively on the issue.

Mr. Hendrix moved that the board reconsider board action of March 20, 1974 on the appointment of the head coaches. Seconded by Mrs. Taylor. Mr. Timmons amended the motion to delete Gerald Burton from the reconsideration. Mr. King stated that a motion to reconsider is not amendable. After considerable discussion, a roll call vote was requested on the motion to reconsider the appointment.

AYE: Raymond T. Boswell, Claude A. Dance, Jr., Paul Hellinghausen, George P. Hendrix, Robert E. King, Mrs. Peggy R. Lagersen, J. Ray Pruitt, Mrs. Mary A. Shuey, Mrs. Corinne C. Taylor, Arthur G. Thompson, Jack P. Timmons, and Mrs. Harriette H. Turner

NAY: Mrs. Betty Bullock, Henry V. Delony, Joseph D. Garner, Johnny McFerren, Percy A. Sharp, III, and W. N. Wynn

The motion was carried.

Mr. Timmons moved that the appointment of Gerald Burton be sustained. Seconded by Dr. Wynn. After considerable discussion, Dr. Garner amended the motion that Mr. Adcox also be included as being excluded from consideration in this motion. Seconded by Mr. McFerren. Mr. Thompson called for point of order. He stated that originally the board voted to reconsider the appointment and the effect of the motion and amendment is to undo this motion. After discussion, roll call vote was requested on Dr. Garner's amendment.

AYE: Mrs. Betty Bullock, Claude A. Dance, Jr., Henry V. Delony, Joseph D. Garner, Johnny McFerren, and Percy A. Sharpe, III

NAY: Raymond T. Boswell, Paul Hellinghausen, George P. Hendrix, Robert E. King, Mrs. Peggy R. Lagersen, J. Ray Pruitt, Mrs. Mary Abbie Shuey, Mrs. Corinne C. Taylor, Arthur G. Thompson, Jack P. Timmons, Mrs. Harriette H. Turner and W. N. Wynn

The amendment failed.

Mr. Hellinghausen asked Mr. Timmons if the intent of his motion, should it pass, would be to take it back to the Citizen's Advisory Committee. Mr. Timmons stated that he believed that this board cannot sustain the two appointments that were made at the last meeting and would recommend a proposal that one of these positions be filled with a black and to sustain the appointment of Mr. Burton to submit to the Citizen's Advisory Committee for their consideration.

After discussion, Mr. Delony made a substitute motion to rescind the two appointments and appoint the two best qualified black coaches. Seconded by Mr. Hendrix. After discussion, Mr. Hendrix called for question on the substitute motion. Roll call vote was requested.

AYE: Raymond T. Boswell, Henry V. Delony, George P. Hendrix, Robert E. King, Mrs. Corinne C. Taylor, Arthur G. Thompson, and Mrs. Harriette H. Turner

NAY: Mrs. Betty Bullock, Claude A. Dance, Jr., Joseph D. Garner, Paul Hellinghausen, Mrs. Peggy R. Lagersen, Johnny McFerren, J. Ray Pruitt, Percy A. Sharp, III, Mrs. Mary Abbie Shuey, Jack P. Timmons, and W. N. Wynn

The motion failed.

Mr. Sharp called for question on the original motion to exclude from the reconsideration the appointment of the head coach at Northwood. Roll call vote was requested.

AYE: Paul Hellinghausen, Mrs. Peggy R. Lagersen, J. Ray Pruitt, Percy A. Sharp, III, Mrs. Mary Abbie Shuey, Mrs. Corinne C. Taylor, Jack P. Timmons, and W. N. Wynn

NAY: Raymond T. Boswell, Mrs. Betty Bullock, Claude A. Dance, Jr., Henry V. Delony, Joseph D. Garner, George P. Hendrix, Robert E. King, Johnny McFerren, Arthur Thompson, and Mrs. Harriette H. Turner

The motion failed.

Mr. Thompson moved that the superintendent be directed to submit and make recommendations to the board for the positions of head coach at Northwood and Southwood High Schools in compliance with the court order as interpreted by the Citizens' Advisory Committee. Motion was seconded. Mr. Thompson withdrew his motion.

Mr. Thompson moved that the appointments made by the board at its last meeting by the filling of the head coaching positions at Northwood and Southwood High Schools be annulled and that the superintendent be directed to submit recommendations to the board in keeping with the court order under which this board operates and the interpretations of that order by the Citizen's Advisory Committee. Seconded by Mrs. Taylor.

Mr. Hellinghausen moved that the board meet in executive session to discuss with the superintendent personnel matters and will reconvene by 1:50 P.M. Seconded by Mr. Hendrix. Motion carried. The board was called into executive session at approximately 1:15 P.M. and reconvened in public session at approximately 1:50 P.M.

Mr. Thompson moved that the board rescind and void the appointments of Gerald Burton as head coach at Northwood and Billy Joe Adcox as head coach at Southwood, that the superintendent of the Caddo Parish School Board be directed to submit to the board his recommendations for head coaches on the above referenced two high schools, and that the two names of the recommendations submitted by him be in keeping with the court order as interpreted by the Citizen's Advisory Committee. Seconded by Mrs. Taylor. Mrs. Shuey requested a roll call vote.

AYE: Raymond T. Boswell, Mrs. Betty Bullock, Paul Hellinghausen, George P. Hendrix, Robert E. King, Mrs. Corinne C. Taylor, Arthur G. Thompson, and Mrs. Harriette H. Turner

NAY: Claude A. Dance, Jr., Henry V. Delony, Joseph D. Garner, Mrs. Peggy R. Lagersen, Johnny McFerren, J. Ray Pruitt, Percy A. Sharpe, III, and Mrs. Mary Abbie Shuey, Jack P. Timmons, and W. N. Wynn

The motion failed.

Mr. McFerren moved that the board adjourn. Seconded by Mr. Delony. The motion failed.

Mr. Thompson moved that the board rescind and void the appointment of Mr. Burton as head coach at Northwood and the appointment of Mr. Adcox as head coach at Southwood. Seconded by Mrs. Taylor. Mrs. Lagersen amended the motion that we consider these appointments separately. Seconded by Mrs. Shuey. Motion was withdrawn by Mr. Thompson.

Mr. Thompson moved that the board rescind and void the appointment of Billy Joe Adcox as head coach at Southwood High School. Seconded by Mrs. Shuey. Roll call vote was requested.

AYE: Raymond T. Boswell, Paul Hellinghausen, George P. Hendrix, Robert E. King, Mrs. Peggy Lagersen, J. Ray Pruitt, Mrs. Mary Abbie Shuey, Mrs. Corinne C. Taylor, Arthur G. Thompson, Jack P. Timmons, Mrs. Harriette H. Turner, and W. N. Wynn

NAY: Mrs. Betty Bullock, Claude A. Dance Jr., Henry V. Delony, Joseph D. Garner, Johnny McFerren, and Percy A. Sharp, III

The motion carried.

Mr. Thompson moved that the board rescind the appointment of David Gerald Burton as head coach at Northwood High School. Seconded by Mrs. Taylor. Roll call vote was requested.

AYE: Raymond T. Boswell, Mrs. Betty Bullock, Henry V. Delony, Joseph D. Garner, George P. Hendrix, Johnny McFerren, Mrs. Corinne C. Taylor, Arthur G. Thompson, and Mrs. Harriette H. Turner

NAY: Claude A. Dance, Jr., Paul Hellinghausen, Mrs. Peggy Lagersen, J. Ray Pruitt, Percy A. Sharp, III, and Mrs. Mary Abbie Shuey, Jack P. Timmons, and W. N. Wynn

ABSTAIN: Robert E. King

The motion was carried.

Mr. Thompson moved that the superintendent be directed to bring to the board his recommendations for head coaches for Northwood and Southwood High Schools and that the persons recommended by the superintendent be black. Seconded by Mr. Hendrix.

Mr. Dance amended the motion that at this time the board refer to the Administrative Committee the plan proposed by Dr. Garner to realign the head coaches in all schools where we will have a head coach for each sport in each school and appoint an athletic director. Seconded by Dr. Garner.

Mr. Thompson amended the amendment that the study be referred to the Finance Committee rather than the Administrative Committee because of the cost to the board on such a plan. Seconded by Mrs. Lagersen.

Mr. Sharp stated that this action would require a lot of study by the Finance Committee and the Administrative Committee on this drastic change in the program. He further stated it is quite apparent from hours of discussion and executive committee meetings that this board cannot reach a decision at this time and recommended that the chair entertain a motion to adjoin. Motion was made and seconded for adjournment. Motion carried.

There being no further business, the meeting adjourned at approximately 2:10 P.M.

/s/ Earl A. McKenzie
Earl A. McKenzie, Secretary

/s/ Robert E. King
Robert E. King, President